

REMARKS

I. PRELIMINARY REMARKS

Claims 1 and 13 have been amended in order to correct minor typographical errors.¹ No claims have been canceled. Claims 22-29 have been added. Claims 1-29 remain in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

With respect to the question concerning the drawings on page 4 of the Office Action, the correct set of drawings is the set that includes four (4) sheets and Figures 1-6.

II. BRIEF DESCRIPTION OF AN EXEMPLARY EMBODIMENT

The present inventions, as defined by claims, are directed generally to antennas that may be used in, for example, implantable medical devices. As illustrated for example in Figure 1, a spinal cord stimulator housing in accordance with one embodiment of a present invention includes a metal portion 20 and a dielectric portion 30. A folded monopole antenna 60 is located within the dielectric portion 30. One end of the antenna 60 is connected to a receiver circuit. The receiver circuit has a ground reference that is connected to the housing metal portion 20.

III. PRIOR ART REJECTION

A. The Rejection

Claims 1-21 have been rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,147,652 to Sekine ("the Sekine patent"). The rejection under 35

¹ Applicant respectfully submits that the amendments do not change the scope of claims 1 and 13.

U.S.C. § 103 is respectfully traversed. Reconsideration thereof is respectfully requested.

B. Discussion

The Sekine patent discloses a variety of antennas with bent shapes that are carried on conductor plates. There are a number of differences between the respective combinations defined by independent claims 1 and 13 and the disclosure of the Sekine patent. Nevertheless, the Office Action appears to have based the finding of obviousness on the conclusory statement that “it would have been obvious to the skilled artisan that, in use, the antenna of Sekine may be employed in a portable device, such as a medical device.” Applicant respectfully submits that even assuming for the sake of argument that this statement concerning the knowledge generally available to one of ordinary skill in the art is accurate,² it does not support a finding of obviousness based on the Sekine patent.

For example, the combination defined by independent claim 1 calls for a “medical device housing, comprising a conductive, ***metal housing portion and a dielectric housing portion***” and a “monopole RF antenna [that] has an elongate form which is folded at least once and ***conformed inside the dielectric housing portion***.” There is nothing in the Sekine patent which even remotely suggests that the purportedly obvious medical use of a Sekine antenna would be in a medical device housing having a metal portion and a dielectric portion, or that the antenna would be “conformed inside” the dielectric portion. Moreover, even if there was some reason to connect the Sekine

² Applicant respectfully submits that the statement is not accurate and that the Office Action failed to present any evidence to support it. To the extent that this statement was intended to convey that the Examiner has taken “official notice” with respect to knowledge generally available in the art, applicant hereby traverses and requests that the Examiner provide an affidavit in accordance with MPEP § 2144.03 and 37 C.F.R. § 1.104(d)(2) to that effect. The affidavit should set forth the facts upon which the Examiner’s conclusions regarding the knowledge available in the art are based. Otherwise, applicant respectfully requests that the Examiner provide a prior art reference which shows that the claimed invention would have been obvious.

antenna to a transmitter/receiver circuit in the purportedly obvious medical device, nothing in Sekine patent suggests that the transmitter/receiver circuit's ground reference would, in turn, be connected to the metal portion of a housing that includes a metal portion and a dielectric portion, as is also called for in the combination defined by independent claim 1.

The combination defined by independent claim 13 similarly calls for an "antenna [that] has an elongate form which is folded at least once and **conformed inside a dielectric housing portion**" and indicates that "the antenna is connected to an internal transmitter/receiver circuit having a ground reference, which ground reference, in turn, is **connected to a metal housing portion** which acts as a ground plane." As discussed above in the context of independent claim 1, there is nothing in the Sekine patent which teaches or suggests these aspects of the combination defined by independent claim 13.

As the Sekine patent fails to teach or suggest the respective combinations of elements recited in independent claims 1 and 13, applicant respectfully submits that the rejection of claims 1-21 under 35 U.S.C. § 103 is improper and should be withdrawn.

IV. NEWLY PRESENTED CLAIMS 22-29

Newly presented independent claim 22 calls for a combination of elements comprising "a housing having a dielectric portion defining an internal volume and a metal portion defining an internal volume," "a transmitter/receiver circuit located within the housing" and "an elongate monopole RF antenna with at least one fold operably connected to the transmitter/receiver circuit and positioned entirely within the dielectric portion internal volume." Applicant respectfully submits that the Sekine patent fails to teach or suggest such a combination and, accordingly, that claims 22-29 are patentable thereover.

V. CLOSING REMARKS

In view of the foregoing, it is respectfully submitted that the claims in the application are in condition for allowance. Reexamination and reconsideration of the application, as amended, are respectfully requested. Allowance of the claims at an early date is courteously solicited.

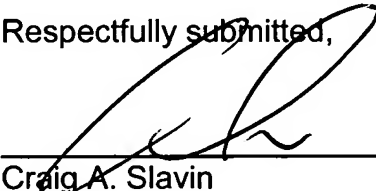
If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call applicant's undersigned representative at (310) 563-1458 to discuss the steps necessary for placing the application in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0638. Should such fees be associated with an extension of time, applicant respectfully requests that this paper be considered a petition therefor.

3/6/05
Date

Henricks, Slavin & Holmes LLP
840 Apollo Street, Suite 200
El Segundo, CA 90245
(310) 563-1458
(310) 563-1460 (Facsimile)

Respectfully submitted,



Craig A. Slavin
Reg. No. 35,362
Attorney for Applicant